

106TH CONGRESS
2D SESSION

S. 2283

To amend the Transportation Equity Act for the 21st Century to make certain amendments with respect to Indian tribes.

IN THE SENATE OF THE UNITED STATES

MARCH 23, 2000

Mr. CAMPBELL (for himself, Mr. JOHNSON, and Mr. INOUE) introduced the following bill; which was read twice and referred to the Committee on Indian Affairs

A BILL

To amend the Transportation Equity Act for the 21st Century to make certain amendments with respect to Indian tribes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Indian Tribal Surface
5 Transportation Act of 2000”.

6 **SEC. 2. AMENDMENTS RELATING TO INDIAN TRIBES.**

7 (a) OBLIGATION LIMITATION.—Section 1102(b) of
8 the Transportation Equity Act for the 21st Century (23
9 U.S.C. 104 note) is amended—

1 (1) in paragraph (7), by striking “and” at the
2 end;

3 (2) in paragraph (8), by striking the period and
4 inserting “; and”; and

5 (3) by adding at the end thereof the following:

6 “(9) under section 1101(a)(8)(A).”.

7 (b) PILOT PROGRAM.—Section 202(d)(3) of title 23,
8 United States Code, is amended by adding at the end the
9 following:

10 “(C) FEDERAL LANDS HIGHWAY PROGRAM
11 DEMONSTRATION PROJECT.—

12 “(i) IN GENERAL.—The Secretary
13 shall establish a demonstration project
14 under which all funds made available
15 under this title for Indian reservation
16 roads and for highway bridges located on
17 Indian reservation roads as provided for in
18 subparagraph (A), shall be made available,
19 upon request of the Indian tribal govern-
20 ment involved, to the Indian tribal govern-
21 ment for contracts and agreements for the
22 planning, research, engineering, and con-
23 struction described in such subparagraph
24 in accordance with the Indian Self-Deter-
25 mination and Education Assistance Act.

1 “(ii) EXCLUSION OF AGENCY PARTICI-
2 PATION.—In accordance with subpara-
3 graph (B), all funds for Indian reservation
4 roads and for highway bridges located on
5 Indian reservation roads to which clause
6 (i) applies, shall be paid without regard to
7 the organizational level at which the Fed-
8 eral lands highway program has previously
9 carried out the programs, functions, serv-
10 ices, or activities involved.

11 “(iii) SELECTION OF PARTICIPATING
12 TRIBES.—

13 “(I) PARTICIPANTS.—

14 “(aa) IN GENERAL.—The
15 Secretary may select not to ex-
16 ceed 12 Indian tribes in each fis-
17 cal year from the applicant pool
18 described in subclause (II) to
19 participate in the demonstration
20 project carried out under clause
21 (i).

22 “(bb) CONSORTIA.—Two or
23 more Indian tribes that are oth-
24 erwise eligible to participate in a
25 program or activity to which this

1 title applies may form a consor-
2 tium to be considered as a single
3 tribe for purposes of becoming
4 part of the applicant pool under
5 subclause (II).

6 “(II) APPLICANT POOL.—The ap-
7 plicant pool described in this sub-
8 clause shall consist of each Indian
9 tribe (or consortium) that—

10 “(aa) has successfully com-
11 pleted the planning phase de-
12 scribed in subclause (III);

13 “(bb) has requested partici-
14 pation in the demonstration
15 project under this subparagraph
16 through the adoption of a resolu-
17 tion or other official action by
18 the tribal governing body; and

19 “(cc) has, during the 3-fiscal
20 year period immediately pre-
21 ceding the fiscal year for which
22 participation under this subpara-
23 graph is being requested, dem-
24 onstrated financial stability and
25 financial management capability

1 through a showing of no material
2 audit exceptions by the Indian
3 tribe during such period.

4 “(III) PLANNING PHASE.—An
5 Indian tribe (or consortium) request-
6 ing participation in the project under
7 this subparagraph shall complete a
8 planning phase that shall include legal
9 and budgetary research and internal
10 tribal government and organization
11 preparation. The tribe (or consortium)
12 shall be eligible to receive a grant
13 under this subclause to plan and ne-
14 gotiate participation in such project.”.

15 (c) ADMINISTRATION.—Section 202 of title 23,
16 United States Code, is amended by adding at the end
17 thereof the following:

18 “(f) INDIAN RESERVATION ROAD, ADMINISTRA-
19 TION.—

20 “(1) IN GENERAL.—Notwithstanding any other
21 provision of law, not to exceed 6 percent of the con-
22 tract authority amounts made available from the
23 Highway Trust Fund to the Bureau of Indian Af-
24 fairs shall be used to pay the administrative ex-
25 penses of the Bureau for the Indian reservation

1 roads program and the administrative expenses re-
2 lated to individual projects that are associated with
3 such program. Such administrative funds shall be
4 made available to an Indian tribal government, upon
5 the request of the government, to be used for the as-
6 sociated administrative functions assumed by the In-
7 dian tribe under contracts and agreements entered
8 into pursuant to the Indian Self-Determination and
9 Education Assistance Act.

10 “(2) HEALTH AND SAFETY ASSURANCES.—Not-
11 withstanding any other provision of law, an Indian
12 tribe or tribal organization may commence construc-
13 tion that is funded through a contract or agreement
14 under the Indian Self-Determination and Education
15 Assistance Act only if the Indian tribe or tribal or-
16 ganization has—

17 “(A) provided assurances in the contract
18 or agreement that the construction will meet or
19 exceed proper health and safety standards;

20 “(B) obtained the advance review of the
21 plans and specifications from a licensed profes-
22 sional who has certified that the plans and
23 specifications meet or exceed the proper health
24 and safety standards; and

1 “(C) provided a copy of the certification
2 under subparagraph (B) to the Bureau of In-
3 dian Affairs.”.

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